



# County of Fairfax, Virginia

Stovale

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 4, 2017

Frank W. Stearns  
Donohue & Stearns, PLC  
117 Oronoco Street  
Alexandria, VA 22314

Re: Special Exception SE 2009-LE-016 – T-Mobile Northeast LLC & Springfield  
Swimming and Racquet Club, Inc.  
7400 Highland Street  
Tax Map Ref: 80-1 ((5)) (52) 1  
Zoning District: R-3

Dear Mr. Stearns:

The above-referenced special exception was approved by the Board of Supervisors (BOS) on May 11, 2010 to permit a telecommunications facility. To date, we find no evidence that construction has commenced or use established for this work. On April 25, 2012 we notified you that as a result of the Virginia General Assembly adopting House Bill 571 which amended § 15.2-2209.1 to the *Code of Virginia* granting those special permits and special exceptions outstanding as of January 1, 2011 and related to new commercial or residential development an extension to July 1, 2017 in order to commence construction or establish the use.

Please be advised that the 2017 Virginia General Assembly adopted House Bill 1697 which amended § 15.2-2209.1 of the *Code of Virginia* to read, in pertinent part, the following:

[F]or any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project with a certain time, shall be extended until July 1, 2020.

Given that SE 2009-LE-016 was valid and outstanding on January 1, 2017 and relates to new commercial development, § 15.2-2209.1 is applicable. As such, SE 2009-LE-016 has until July 1, 2020 in which to commence construction or establish the use on the property. Therefore, at this time, no additional action is required by the BOS.

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If you have any questions, please feel free to contact me at 703-324-1359.

Sincerely,

A handwritten signature in black ink, appearing to read 'Winnie Williams', with a stylized flourish at the end.

Winnie Williams  
Planning Technician  
Zoning Permit Review Branch

cc: Jeffrey C. McKay, Supervisor Lee District  
Leslie B. Johnson, Zoning Administrator  
Tracy Strunk, Acting Director, Zoning Evaluation Division